

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ARTEMIO JIMENEZ,  
Plaintiff,

v.

MONTEREY MUSHROOMS, INC.,  
Defendant.

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No. 3:02-CV-598

Phillips/Shirley

**ORDER**

This matter is before the court on plaintiff's motion to overturn the findings of the clerk taxing costs against plaintiff [Doc. 64]. The clerk of the court awarded defendant costs of \$2,224.85 [Docs. 60, 62] after this court granted defendant's motion for summary judgment and dismissed plaintiff's case. Plaintiff moves the court to overrule the findings of the clerk stating that he is indigent, currently unemployed, and has no means with which to pay the costs awarded. The court has undertaken a review of those portions of the clerk's findings to which plaintiff objects. After doing so, the court concludes that the clerk correctly determined that the costs requested by defendant were both permissible and reasonable, and that plaintiff has the capacity to pay the costs. Accordingly, plaintiff's motion to overturn the findings of the clerk [Doc. 63] is **DENIED**.

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge